

RECEIVED

NOV 16 2001

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: CHAIN=4A

In re Application of:

Daniel G. CHAIN

Appln. No.: 09/868,501

Filed: September 26, 2001

For: INCREASING BRAIN GLUCOSE
UTILIZATION

) Art Unit:

) Examiner:

) Washington, D.C.

) November 14, 2001

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above- identified application, and any other application relying on the filing date of the above-identified application or cross- referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

(Check one of the boxes A-D)

[] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[X] B. before the mailing date of a first office action on the merits.

☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

(use one and delete other of following)

☐ ii. A check (check no. _____) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed.

☐ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180.

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) petitions under 37 CFR §1.97(d) for consideration of this IDS. *(use one and delete other of following and this note)* A check (check no. _____) for/ Credit Card Payment Form, PTO-2038, is attached

authorizing payment of the fee set forth in §1.17(i), presently believed to be \$130 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either

(Check one of the boxes "a" and "b" below)

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

☒ 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

☐ A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the

prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with \$1.98(d). Per 37 CFR \$1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document(s) _____ is (are) not in the English language. In accordance with \$1.98(c), Applicant(s) states:

☐ An English translation of each document _____ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

☐ A concise explanation of the relevance of document(s) _____ is found in the attached _____ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ A concise explanation of the relevance of document(s) _____ is set forth as follows:

(insert concise explanation of relevance)

☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

☐ A concise explanation of document(s) _____ can be found on the attached sheet.

☒ 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

☐ 5. Other information being provided for the examiner's consideration follows:

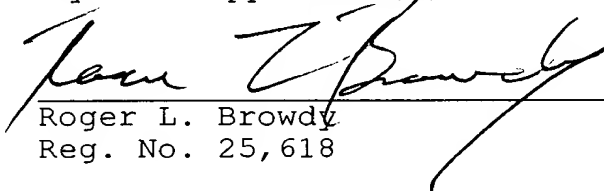
(insert other information)

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By:


Roger L. Browdy
Reg. No. 25,618

624 Ninth Street, N.W., Suite 300
Washington, D.C. 20001-5303
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
F:\M\Mind\Chain4A\PTO\InfoDisSt2.doc

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/868,501
Filing Date	September 26, 2001
First Named Inventor	Daniel G. CHAIN
Group Art Unit	
Examiner Name	
Attorney Docket Number	CHAIN=4A

NOV 16 2001
TECH CENTER 1600/2000

RECEIVED

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	CK	5,326,770		Wilkerson	07-05-1994	
	CL	5,652,214		Lewis et al	07-29-1997	
	CM	5,847,008		Doebber et al	12-08-1998	
	CN	5,859,051		Adams et al	01-12-1999	
	CO	5,900,409		Sakai et al	05-04-1999	
	CP	5,935,927		Vitek et al	08-10-1999	
	CQ	6,011,049		Whitcomb	01-04-2000	
	CR	6,020,382		Doebber et al	02-01-2000	
	CS	6,087,384		Matsui et al	07-11-2000	
	CT	6,090,836		Adams et al	07-18-2000	
	CU	6,090,839		Adams et al	07-18-2000	
	CV	6,117,853		Sakai et al	09-12-2000	
	CW	6,130,216		Antonucci et al	10-10-2000	
	CX	6,191,154	B1	Landreth et al	02-20-2001	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Number		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number				
	CY	EP	0 193 637	A1	Setoguchi et al	09-10-1986	
	CZ	WO	00/35437	A2	Chain et al	06-22-2000	

Examiner
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.